



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

HOUSE BILL NO. 470

AS ENACTED

THURSDAY, MARCH 23, 2006

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to administrative hearings and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 224.10-440 is amended to read as follows:

- 2 (1) All hearings under this chapter shall be held before a qualified hearing officer, who
 3 may be a full-time employee of the cabinet, serve by contract, or be paid on a per
 4 diem basis in the discretion of the cabinet. After the conclusion of the hearing, the
 5 hearing officer shall ~~within thirty (30) days~~ make to the secretary a report and
 6 recommended order which shall contain a finding of fact and a conclusion of law. ~~[~~
 7 ~~If the secretary finds upon written request of the hearing officer that additional time~~
 8 ~~is needed, the secretary may grant an extension.]~~ The hearing officer shall serve a
 9 copy of his report and recommended order upon all parties of record to the
 10 proceeding, and they shall be granted the right to file within fourteen (14) days of
 11 receipt exceptions thereto. The secretary shall consider the report, exceptions, and
 12 recommended order and decide the case within ninety (90) days. The secretary, for
 13 good cause, may take no more than an additional forty-five (45) days provided the
 14 secretary gives the parties written notice stating the good cause within the
 15 original ninety (90) day period. The secretary's decision shall be served by mail
 16 upon all parties and shall be a final order of the cabinet.
- 17 (2) Any party to a hearing under this subsection may be represented by counsel, may
 18 make oral or written argument, offer testimony, cross-examine witnesses, or take
 19 any combination of these actions. The secretary may promulgate administrative
 20 regulations to require that direct testimony be filed in writing prior to the
 21 hearing, either for all or some categories of cases. The record of the hearing shall
 22 be open to public inspection, and copies thereof shall be made available to any
 23 person upon payment of the actual cost of reproducing the original except as
 24 provided in KRS 224.10-210.
- 25 (3) Unless all parties to the case agree in writing otherwise, the hearing officer shall

1 conduct the hearing, complete the report and recommended order, and transmit
 2 the report and recommended order to the secretary no later than one hundred
 3 eighty (180) days after service of the written notice described in KRS 224.10-
 4 420(1) upon all named parties or service of the petition and demand for hearing
 5 pursuant to KRS 224.10-420(2) upon all named parties, whichever is applicable.
 6 Upon written request of the hearing officer or any party to the hearing, the
 7 secretary or secretary's designee, for good cause shown, may extend this deadline
 8 for a period not to exceed ninety (90) days. The secretary shall grant no more
 9 than two (2) ninety (90) day extensions under this subsection, unless the secretary
 10 and all parties to the case agree to the contrary in writing.

11 (4) The secretary may promulgate administrative regulations to establish procedures
 12 and deadlines for submitting a written request for an extension pursuant to
 13 subsection (3) of this section. The secretary shall require that any written request
 14 for extension include a proposed date certain by which the hearing or report and
 15 recommended order, or both, will be completed.

16 (5) Upon the failure of the hearing officer to make a report and recommended order
 17 to the secretary within the deadline set forth in subsection (3) of this section,
 18 including any extensions granted by the secretary pursuant to subsections (3) and
 19 (4) of this section, the secretary shall remove the case from the hearing officer.
 20 The secretary shall then:

21 (a) Decide the case within ninety (90) days after allowing the parties to
 22 supplement the record, if necessary; or

23 (b) Transfer the case to another qualified hearing officer for completion of the
 24 hearing or report and recommended order, or both, by a new deadline set by
 25 the secretary. The secretary shall make no more than one (1) transfer
 26 pursuant to this subsection.

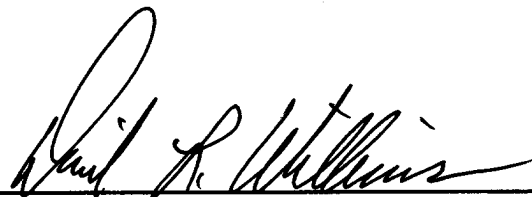
27 (6) All hearings conducted pursuant to this chapter shall be open to the public except as

1 provided in KRS 224.10-210.

2 Section 2. Whereas the timely disposition of administrative hearings is of utmost
3 urgency and importance to the parties, an emergency is declared to exist, and this Act
4 takes effect upon its passage and approval by the Governor or upon its otherwise
5 becoming law.



Speaker-House of Representatives



President of the Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 